

Bureau of Internal Affairs  
Confidential Investigation Section

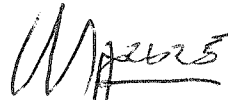
08 OCT 12

TO: Commanding Officer  
Confidential Investigations Section  
Bureau of Internal Affairs

FROM: Sergeant Michael BARZ #2625  
Confidential Investigations Section  
Bureau of Internal Affairs

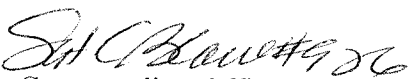
SUBJECT: Approval of Complaint Register Number 1049428

The following Complaint Register Number investigation has been completed and is submitted for your approval.



Sergeant Michael BARZ #2625  
Confidential Investigations Section  
Bureau of Internal Affairs

APPROVED:

  
for Commanding Officer  
Confidential Investigations Section  
Bureau of Internal Affairs

Commander  
Bureau of Internal Affairs

# SUMMARY REPORT DIGEST

## CHICAGO POLICE DEPARTMENT

COMPLAINT LOG NO.  
1049428

TYPE  
C.R.

DATE OF REPORT (Day-Mo.-Yr.)  
08 OCT 2012

**INSTRUCTIONS:** To be used in all cases that are to be classified as either **EXONERATED, UNFOUNDED, NOT SUSTAINED**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **FIVE (5) DAYS SUSPENSION**. SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: ☒ CHIEF ADMINISTRATOR,  
INDEPENDENT POLICE REVIEW AUTHORITY ☐ CHIEF,  
BUREAU OF INTERNAL AFFAIRS

FROM -INVESTIGATOR'S NAME  
Michael BARZ RANK  
Sgt. STAR NO.  
2625 EMPLOYEE NO.  
[REDACTED] UNIT ASSIGN.  
121 UNIT DETAILED

REFERENCE NOS. (LIST ALL RELATED C.L., C. B., I.R., INVENTORY NOS., ETC., PERTINENT TO THIS INVESTIGATION)

ADDRESS OF INCIDENT  
Unknown DATE OF INCIDENT -TIME  
Unknown BEAT OF INCIDENT

ACCUSED	NAME		RANK	STAR NO.	EMPLOYEE NO.	UNIT ASSIGN.	UNIT DETAILED
	1. Unknown						
	2.						
	3.						
SEX/RACE	D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)		SWORN	CIVILIAN	
			ON DUTY	OFF DUTY			
1.							
2.							
3.							
IF APPLIES, DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE		
1.							
2.							
3.							

COMPLAINANT	NAME		ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
		Robert KLIMAS		3510 South Michigan	Chicago	IL	6-6125	M / 2
VICTIMS	NAME		ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
WITNESSES	NAME		ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

\*\*IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS	NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
		The complainant alleged that on an unknown date, time, and location the accused unknown Chicago Police Officer disseminated a confidential Chicago Police Department email containing privileged and confidential Chicago Police Department information.					

CPD-44.112-A (Rev. 6/12)

C. L. NO.  
1049428

CPD 0019696

<b>SUMMARY</b>	<p>Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).          In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.</p> <p style="text-align: center; margin-top: 100px;">See Attached Report</p>			
<b>ATTACH- MENTS</b>	INVESTIGATIVE REPORTS- SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS: 0	INVESTIGATIVE REPORTS- SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS: 0	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:  0	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:  7
<b>FINDINGS - RECOMMENDATIONS</b>	<p>Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.          Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for --- days (not to exceed 5 days).</p> <p>Findings:</p> <p>Reporting Sergeant requests that this case is closed and not sustained against the unknown Chicago Police Officer.</p> <p>Recommendations:</p> <p>None - case to be filed.</p>			
DATE INITIATED (Date complaint was received for investigation) <b>17 OCT 11</b>		DATE COMPLETED (Date of this report) <b>08 OCT 12</b>		ELAPSED TIME (Total time expressed in days) <b>357</b>
Investigator will initiate the Command Channel Review form by completing the Investigator's Section.			INVESTIGATOR'S SIGNATURE	

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

On October 17, 2011 Reporting Sergeant was assigned this case after being informed by Commander Robert KLIMAS that a privileged and confidential email was disseminated to various email accounts without proper authorization.

The email was written by Commander Jonathan LEWIN of the Chicago Police Department that detailed specific details about possible Chicago Police Department station closings that was confidential and privileged Chicago Police Department information at the time of the dissemination.

The evidence obtained by Commander KLIMAS as proof of this dissemination was a standard letter size color copy that appeared to be a photograph of Commander LEWIN's email message. This copy was given to Commander KLIMAS after being faxed to a fax machine located in the Crime Control Strategies Unit. The sender phone number was listed as 312-744-5130 which was the fax number for Area Three Detective Division.

Commander KLIMAS informed Reporting Sergeant that the exact date and time of the fax was unknown but copies of the fax were being disseminated on October 15, 2011 before 1645 hours out of Area Three Detective Division.

In the email, it detailed that the Bureau of Patrol and Bureau of Investigative Services were consolidating into three geographic areas named: North, Central, and South. In addition, this email provided a timeline for this major reorganization of the Chicago Police Department.

On October 18, 2011 Reporting Sergeant met with Commander Jonathan LEWIN, the Managing Deputy Director of Public Safety Information Technology, in his office concerning this matter. Reporting Sergeant provided the color copy to Commander LEWIN who reiterated that this was a copy of an email he authored.

Commander LEWIN provided a copy of the original email he authored dated October 14, 2011 to Reporting Sergeant. This email was sent to various personnel in the Public Safety Information Technology unit. Commander LEWIN stated it was sent out to provide a timeline to modify network systems for the consolidation. Commander LEWIN stated he could not provide an explanation of how this copy of was leaked out. Commander LEWIN stated that this email was sent out to high ranking personnel in Public Safety and did not believe that any of these individuals would have compromised the confidentiality of this email. Commander LEWIN had no further information.

On October 24, 2011 Reporting Sergeant emailed Commander LEWIN and asked if CPD had the capacity to track what telephone numbers faxed documents to a CPD fax machine. Commander LEWIN replied he did not think that CPD had this capability but requested Reporting Sergeant follow up with Sergeant SOTO. Commander LEWIN stated he believed there would be a telephone record of the fax transmission and a court order would be needed to receive these records. Commander LEWIN also informed Reporting Sergeant that Finance oversaw all of the Xerox machines within the CPD and to check with Molly WALLER for assistance.

On October 26, 2011 Detective Carlin MORSE followed up the CPD fax machines and learned that Xerox provided all of the maintenance for these machines. Detective MORSE also met with Xerox Repairman Austin SPARKS at Area Three Detective Division. Detective MORSE was instructed to get the fax history on model #3635MFP Phaser Serial Number LBP360580 from the dates of October 14, 2011 (date of Lewin email) until October 15, 2011 (date of fax transmission from Area Three). This is the fax machine for 312-744-5130.

Detective MORSE related that a fax transmission report and a fax broadcast report were generated that only went back to October 24, 2011. Detective MORSE related that SPARKS stated that this fax machine was designed to overwrite data for privacy concerns and only a three day retention was available; therefore no records were obtained for the target dates in this investigation.

Reporting Sergeant was not able to follow up with the telephone company to ascertain telephone numbers that sent fax transmissions to Area Three Detective Division on October 14<sup>th</sup> or October 15<sup>th</sup> because he did not have a lawful subpoena to retrieve these records. As of this date, the Bureau of Internal Affairs does not have the ability to obtain subpoenas in administrative cases such as this.

Based on a lack of investigative leads, including but not limited to the exact date and time of the fax, and the ability to retrieve telephone records; this case can not continue any further.

Reporting Sergeant requests that this case is closed and not sustained against the unknown Chicago Police Officer.

## **Evidence Sheet**

**C.R. #1049428**

Attachment 1:	Face Sheet
Attachment 2:	Complaint Register Investigation Conflict Certification
Attachment 3:	Copy Sworn Affidavit – Not Required
Attachment 4:	Initiation Report
Attachment 5:	Fax Transmission
Attachment 6:	Commander LEWIN email
Attachment 7:	MORSE GPR and fax reports